UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/944,696
Filing Date: August 31, 2001
Appellant(s): CHARISIUS ET AL.

Howard A. MacCord, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2 December 2005 appealing from the Office

action mailed 1 June 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5930512	Boden et al.	07-1999
5893128	Nauckhoff et al.	04-1999
6240395	Kumashiro	05-2001

5845279   Garofalakis et al.   12-1998

Microsoft(r) Word 2000, "About adding comments and keeping track of

changes," 1999, pp. 1-2 and Figures 1.

"ls," <http://polyglotman.sourceforge.net/sgi-ls.1.html>, 22 June 2000, pp. 1-7.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 3-10, 13-15, 38, 41 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Boden et al. (US 5930512, patent date1999, hereafter Boden) in

further view of Nauckhoff (US 5893128, patent date 1999) and further in view of

Microsoft® Word 2000 (1999, hereafter Word).

As per independent claim 3, Boden discloses a method in a data processing

system having versions of a plan, each reflecting an instance in an edit history, the

method comprising the steps of displaying a plan in a sequential manner to simulate

animation of the edit history (column 10, lines 30-34: Here, the process model is

equivalent to the plan, while animation from the beginning is reflecting the edit history).

Boden fails to specifically disclose storing indications of the versions of the plan.

However, Nauckhoff discloses storing indications of the versions of the plan (column 7, lines 26-56: Here, marking the last committed version is storing indications of the version of the plan. Further, because a rollback of the system is possible, an earlier version of the plan must be stored). Word further discloses displaying a frequency of change in the edit history (pages 1-2: Here, a user can track the changes made to a document or compare changes between documents).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Boden's method of displaying a plan with Nauckhoff's method of storing versions of a plan, since it would have allowed a user to graphically view the sequential steps leading up to a version. Further, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Boden and Nauckhoff's method with Word's method, since it would have allowed a user to compare collaborative changes made to a document (Word: page 2).

As per dependent claim 4, Boden, Nauckhoff, and Word disclose the limitations similar to those in claim 3, and the same rejection is incorporated herein. Boden further discloses creating a link from the plan to the task (column 2, lines 63-65: Here, a hot link links to the task). Nauckhoff discloses storing a version of the task of the plan (column 7, lines 26-56: Here, a rollback is possible, meaning that beside the current version of the plan, an earlier version must also be present).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Boden, Nauckhoff, and Word's method of linking

from the plan to the task with Nauckhoff's method of storing versions, since it would

have allowed the user to navigate several versions of a plan more easily.

As per dependent claim 5, Boden, Nauckhoff, and Word disclose the limitations

similar to those in claim 3, and the same rejection is incorporated herein. Boden further

discloses the method wherein the versions of the plan reflect an activation of the plan

(Figure 5: Here, the "STATUS" of tasks in the work list displays activation of the plan).

As per dependent claim 6, Boden, Nauckhoff, and Word disclose the limitations

similar to those in claim 5, and the same rejection is incorporated herein. Boden further

discloses the method wherein the plan comprises a plurality of tasks and the indications

of the versions of the plan comprise the states of the tasks (Figure 5: Here, the items

listed under "DESCRIPTION" are the plurality of tasks, while the "STATUS" displays the

states of the tasks).

As per dependent claim 7, Boden, Nauckhoff, and Word disclose the limitations

similar to those in claim 6, and the same rejection is incorporated herein. Boden further

discloses the method wherein the state comprises an unexecuted state (Figure 5: Here,

the "READY" and "SUSPENDED" states are equivalent to the unexecuted state.

As per dependent claim 8, Boden, Nauckhoff, and Word disclose the limitations

similar to those in claim 6, and the same rejection is incorporated herein. Boden further

discloses the method wherein the state comprises an executing state (Figure 5: Here,

the "RUNNING" state is equivalent to the executing state).

As per dependent claim 9, Boden, Nauckhoff, and Word disclose the limitations

similar to those in claim 6, and the same rejection is incorporated herein. Boden further

discloses the method wherein the state comprises an executed state (column 7, lines 6-26: Here, the exit state is the equivalent of an executed state).

As per dependent claim 10, Boden, Nauckhoff, and Word disclose the limitations similar to those in claim 3, and the same rejection is incorporated herein. Boden further discloses the method wherein the indications of the plan reflect modifications to the plan (column 8, lines 56-61: Here modifications of the plan are translated in order to reflect changes in the plan).

As per independent claim 13, Boden discloses a method in a data processing system having versions of a workflow, each reflecting an instance in an edit history, the method comprising the steps of displaying a workflow in a sequential manner to simulate animation of the edit history (column 10, lines 30-34: Here, the process model is equivalent to the workflow, while animation from the beginning is reflecting the edit history). Boden fails to specifically disclose storing indications of the versions of the workflow. However, Nauckhoff discloses storing indications of the versions of the workflow (column 7, lines 26-56: Here, marking the last committed version is storing indications of the version of the workflow. Further, because a rollback of the system is possible, an earlier version of the workflow must be stored). Word further discloses displaying a frequency of change in the edit history (pages 1-2: Here, a user can track the changes made to a document or compare changes between documents).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Boden's method of displaying a workflow with Nauckhoff's method of storing versions of a workflow, since it would have allowed a

user to graphically view the sequential steps leading up to a version. Further, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Boden and Nauckhoff's method with Word's method, since it would have allowed a user to compare collaborative changes made to a document (Word: page 2).

As per dependent claim 14, Boden, Nauckhoff, and Word disclose the limitations similar to those in claim 13, and the same rejection is incorporated herein. Boden further discloses creating a link from the workflow to the activity (column 2, lines 63-65: Here, a hot link links to the activity). Nauckhoff discloses storing a version of the activity of the workflow (column 7, lines 26-56: Here, a rollback is possible, meaning that beside the current version of the workflow, an earlier version must also be present).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Boden, Nauckhoff, and Word's method of linking from the workflow to the activity with Nauckhoff's method of storing versions, since it would have allowed the user to navigate several versions of a workflow more easily.

As per dependent claim 15, Boden, Nauckhoff, and Word disclose the limitations similar to those in claim 13, and the same rejection is incorporated herein. Boden further discloses the method wherein the indications of the workflow reflect modifications to the workflow (column 8, lines 56-61: Here modifications of the workflow are translated in order to reflect changes in the workflow).

As per independent claim 28, Boden discloses the computer-readable medium containing instructions for controlling a data processing system to perform a method,

the method comprising the steps of displaying a workflow plan in a sequential manner to simulate the generation of the plans from the workflow (column 10, lines 30-34). Boden fails to specifically disclose retrieving a plurality of plans from a workflow. However, Nauckhoff discloses retrieving a plurality of plans from a workflow (column 4, lines 28-36: Here, plans are retrieved from a database for processing by application programs). Word further discloses displaying a frequency of change in the edit history (pages 1-2: Here, a user can track the changes made to a document or compare changes between documents).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Boden's method of displaying plans with Nauckhoff's method of retrieving plans, since it would have allowed a user to view retrieved plans. Further, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Boden and Nauckhoff's method with Word's method, since it would have allowed a user to compare collaborative changes made to a document (Word: page 2).

As per independent claim 38, the applicant discloses the data processing system for execution of the method of claim 13. Nauckhoff further discloses a memory device and a secondary storage device (column 4, lines 28-36). Claim 38 is similarly rejected under Boden, Nauckhoff, and Word.

As per independent claim 41, the applicant discloses the data processing system for execution of the method of claim 3. Nauckhoff further discloses a memory device

and a secondary storage device (column 4, lines 28-36). Claim 41 is similarly rejected under Boden, Nauckhoff, and Word.

As per independent claim 44, the applicant discloses the limitations similar to those in claim 3. Claim 44 is similarly rejected under Boden, Nauckhoff, and Word.

3.   Claims 11, 16, 30, 39, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boden, Nauckhoff, and Word and further in view of ls (2000, found on page 7, line 2).

As per dependent claim 11, Boden, Nauckhoff, and Word disclose the limitations similar to those in claim 3, and the same rejection is incorporated herein. Boden and Nauckhoff fail to specifically disclose the method wherein the versions of the plan are displayed in reverse order. However, ls discloses listing in reverse order (page 2: Here, the –r option reverses the order of sort alphabetically or according to time).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Boden, Nauckhoff, and Word's method of displaying versions with ls's method for reversing the order, since it would have allowed a user to view the plan in an alternative order.

As per dependent claim 16, Boden, Nauckhoff, and Word disclose the limitations similar to those in claim 13, and the same rejection is incorporated herein. Boden and Nauckhoff fail to specifically disclose the method wherein the versions of the workflow are displayed in reverse order. However, ls discloses listing in reverse order (page 2: Here, the –r option reverses the order of sort alphabetically or according to time).

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to have combined Boden, Nauckhoff, and Word's method of

displaying versions with Is's method for reversing the order, since it would have allowed

a user to view the workflow in an alternative order.

As per dependent claim 30, the applicant discloses the limitations similar to those

in claim 11. Claim 30 is similarly rejected under Boden, Nauckhoff, Word, and Is.

As per dependent claim 39, the applicant discloses the limitations similar to those

in claim 16. Claim 39 is similarly rejected under Boden, Nauckhoff, Word, and Is.

As per dependent claim 42, the applicant discloses the limitations similar to those

in claim 11. Claim 42 is similarly rejected under Boden, Nauckhoff, Word, and Is.

4.   Claims 12, 17, 40, and 43 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Boden, Nauckhoff, and Word and further in view of Kumashiro (US

6240395, patent 2001, file 1998).

As per dependent claim 12, Boden, Nauckhoff, and Word disclose the limitations

similar to those in claim 3, and the same rejection is incorporated herein. Boden and

Nauckhoff fail to specifically disclose the method wherein the display comprises a Gantt

chart. Kumashiro discloses a Gantt chart (column 10. lines 38-47).

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to have combined Boden, Nauckhoff, and Word's method of

displaying a plan with Kumashiro's method of displaying a Gantt chart, since it would

have allowed a user to view a representation of time to be spent on a task.

As per dependent claim 17, Boden, Nauckhoff, and Word disclose the limitations similar to those in claim 13, and the same rejection is incorporated herein. Boden and Nauckhoff fail to specifically disclose the method wherein the display comprises a flow diagram. Kumashiro discloses a flow diagram (column 10. lines 38-47).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Boden, Nauckhoff, and Word's method of displaying a plan with Kumashiro's method of displaying a flow diagram, since it would have allowed a user to view a representation of time to be spent on a task.

As per dependent claim 31, the applicant discloses the limitations similar to those in claim 12. Claim 31 is similarly rejected under Boden, Nauckhoff, Word, and Kumashiro.

As per dependent claim 40, the applicant discloses the limitations similar to those in claim 17. Claim 40 is similarly rejected under Boden, Nauckhoff, Word, and Kumashiro.

As per dependent claim 43, the applicant discloses the limitations similar to those in claim 12. Claim 43 is similarly rejected under Boden, Nauckhoff, Word, and Kumashiro.

5.   Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boden, Nauckhoff, and Word in further view of Garofalakis et al. (1998, hereafter Garofalakis).

As per dependent claim 29, Boden, Nauckhoff, and Word disclose the limitations similar to those in claim 28, and the same rejection is incorporated herein. Boden and Nauckhoff fail to specifically disclose the medium further comprising the steps of:

- Receiving an indication of a rate of display

- Setting a time period equal to a reciprocal of the rate

- Pausing for the time period before displaying each of the plans

Garofalakis discloses:

- Receiving an indication of a rate of display (column 4, line 60- column 5, line 8: Here, the per stream disk bandwidth requirement is the rate of display)

- Setting a time period equal to a reciprocal of the rate (column 4, line 60- column 5, line 8: Here, this time period is the time period required to retrieve the requested data and is a reciprocal of the display frequency)

- Pausing for the time period before displaying each of the plans (column 4, line 60- column 5, line 8: Here, the time necessary to retrieve the data is the paused time period before display)

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Boden, Nauckhoff, and Word's medium for retrieving plans with Garofalakis's medium for display, since it would have allowed a user to receive the data based upon the equipment he/she was using.

(10) Response to Argument

With respect to claims 3-10, 13-15, 38, and 41, the appellant argues that

Microsoft® Word 2000 (hereafter Word) fails to display a frequency of change in edit

history (page 5, paragraph 2). The examiner respectfully disagrees. Word discloses

saving multiple versions of a document in a single document, and for each version in

the document, "Word records the date and time the version was saved and the name of

the person making the changes (page 2, "Saving Multiple versions of a document in one

file," paragraph 2)." This displays the frequency of changes in an edit history of a

document.

However, as the appellant points out, a word processing document generated by

Word is not a plan (page 6, paragraph 1). However, the examiner does not rely on

Word for teaching a plan. As disclosed in the Final Office Action mailed 1 June 2005

(hereafter FAO), Boden discloses a process model equivalent to a plan (column 10,

lines 30-34). Boden further discloses storing versions of the plan each reflecting an

instance in an edit history (column 10, lines 30-34). The examiner merely relies upon

Word for the teaching of displaying a frequency of changes in an edit history. As both

Boden and Word disclose tracking versions of data through edits, the sources are both

related to solving the problem of tracking changes. It would have been obvious to one

of ordinary skill in the art at the time of the applicant's invention to have combined Word

with Boden, since it would have allowed a user to compare collaborative changes made

to a document (Word: page 2).

With respect to claims 11, 16, 30, 39, and 42, the appellant argues that the prior

art of record; Boden, Nauckoff, Word, and Is; fail to disclose versions of a plan displayed

in reverse order (page 6, final paragraph). The examiner respectfully disagrees. Although the appellant's claim simply requires display of the reverse order of a sequential animation of edit history, the examiner acknowledges that Boden, Nauckoff, and Word fail to specifically disclose storing version of data in reverse order, the examiner relies upon Is to teach the limitation. Is teaches sorting contents of a directory in reverse order (page 3). The examiner believes that if various versions of data are stored as required by claim 1, these versions must be stored somewhere. As the appellant discloses in the specification, these are generally stored in a directory (Specification: page 10, lines 13-23). Is discloses that the output is sorted alphabetically by default (page 1) and further displaying the reverse order of the sort, as alphabetical or oldest first (page 3). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Is with Boden, Nauckoff, and Word, since it would have allowed a user to view a plan in an alternate order (Is: page 3). More clearly, it would have allowed a user to sort the versions of a plan based upon the date of modification.

With respect to claims 12, 17, 40, and 43, the appellant argues that Boden, Nauckhoff, Word, fail to disclose Gantt charts or flow diagrams (page 8, paragraphs 2). The examiner agrees with the appellant on this point. The appellant further acknowledges that Kumashiro disclose Gantt charts (page 8, paragraph 2). However, the appellant argues that Kumashiro fails to disclose "edits that are highlighted with a distinctive indicator such as a tag having a number associated with the frequency of changes made to a particular element of a Gantt chart of flow diagram (page 8,

paragraph 2)." However, these limitations are not included in the claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Boden, Nauckhoff, and Word's method of displaying a plan with Kumashiro's method of displaying a Gantt chart, since it would have allowed a user to view a representation of time to be spent on a task.

With respect to claim 29, the applicant argues that Boden, Nauckhoff, Word, and Garofalakis fail to disclose retrieving a plurality of plans generated from a workflow, and displaying each of the plans in a sequential manner to simulate the generation of the plans from the workflow, wherein the displaying of the plans is visually distinctive as a function of frequency of the change in the plans. The examiner respectfully disagrees. Garofalakis discloses:

- Receiving an indication of a rate of display (column 4, line 60- column 5, line 8: Here, the per stream disk bandwidth requirement is the rate of display)

- Setting a time period equal to a reciprocal of the rate (column 4, line 60- column 5, line 8: Here, this time period is the time period required to retrieve the requested data and is a reciprocal of the display frequency)

- Pausing for the time period before displaying each of the plans (column 4, line 60- column 5, line 8: Here, the time necessary to retrieve the data is the paused time period before display)

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Boden, Nauckhoff, and Word's medium for retrieving plans with Garofalakis's medium for display, since it would have allowed a user to receive the data based upon the equipment he/she was using.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Kyle Stork
krs

Conferees:
Stephen Hong, SPE 2178
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PRIMARY EXAMINER